REMARKS

Applicant has amended the above-identified application responsive to the Office Action dated May 12, 2005. Claims 50, 56, 88-90, 93-97, 100 have been amended and new claims 101-109 have been added.

In brief, Applicant has amended each of independent claims 50, 56 and 100, and in particular to patentably distinguish the present invention over the cited prior art of record. The Examiner previously withdrew the allowability of claims 50-56, 86-97 and 100 in view of the newly cited references to Hwang and Polster.

Applicant avers that, in particular regard to each of the independent claims as now amended, none of the prior art teaches or suggests the incorporation of a spiral oven design, such as in particular associated with an in-shell egg pasteurization system such as recited in claims 50 and 56, or method for pasteurizing an in-shell egg such as recited in claim 100.

As to the rejection of claims 56 and 100, set forth in page 2, paragraph 3 of the Examiner's remarks, the Polster reference teaches an apparatus and method for pasteurizing a plurality of layers of in-shell eggs, including a fluid bath, heat exchangers and a gas bubbling step for vertically perturbing an entire surface of the in-shell eggs loosely held in each of a plurality of flats forming at least one stack.

Accordingly, Polster does not teach or suggest the incorporation of an oven, or temperature increasing cavity as recited in amended claim 56, in the in-shell egg pasteurization system, nor does it additionally teach or suggest the utilization of a microwave oven (see also claim 96, as well as claim 104 as applicable to independent claim 50).

Further, and as is clarified in the recitations of amended independent claims 50, 56 and 100, the in-shell egg is transported in a continuous conveying fashion through the oven (or in a

non-batch fashion through a temperature increasing cavity as in claim 56). In contrast, prior art references such as Polster disclose batch collection and immersion of individual pluralities of eggs, such as upon individual egg holding (batch supporting) flats and which are supported within a heated fluid medium.

Accordingly, Polster also does not teach or suggest applying a continuous progression of the in-shell egg, through the grading, pasteurization and packing stages. As supported by the present disclosure, the egg progression contemplates any non-batch arrangement of in-shell eggs (in contrast to Polster), and by which it is understood that the eggs can successively/ progressively pause at given points along an in-line assembly, such as during heating, within the scope of the present invention.

Applicant further asserts the novelty of new claims 105 and 106, dependent from amended independent claim 56, as well as new independent claim 107 (similar in scope to amended claim 56 with the exception of the recitations directed to the grader and packer components being reversed) and depending claims 108 and 109.

The Examiner further rejected claims 50-55 as obvious over the combination of Ball et al. in view of Hwang. As is known, Ball is descriptive of general applications in relation to egg pasteurization, such as by heated air and suggests stacking eggs during such a process, but does not teach or suggest any specific conveying application or in particular one which utilizes a spiral oven.

As conceded by the Examiner, Hwang was cited as teaching the provision of a spiral oven, such as utilized in slow and mass cooking of a variety of food products. However, and most significant, Hwang does not teach nor does it suggest in any fashion the utilization of a spiral oven design, as required by claim 50, utilized in an egg conveying system or method for the purpose of in-shell egg pasteurization. With further regard to newly added dependent claim

104, Hwang does not teach or suggest a microwave generating oven of the spiral variety, incorporated into an in-shell egg pasteurization process.

Addressing next the rejection of claims 86-87, page 3, paragraph 6, Plemons was cited in combination with Ball and Hwang as teaching the provision of a spiral downstream cooler, relative to the oven, and configured to reduce the temperature of the in-shell egg to a second predetermined temperature range. Reviewing the reference, Applicant notes that Plemons in fact teaches an apparatus for treating partially baked bread products, such as in particular pizza crusts, however Plemons nowhere teaches or suggests the incorporation of a spiral oven, or spiral cooler, into an in-shell egg pasteurization process.

Claims 88-92, 94 and 97, dependent from independent claim 56, were rejected as being obvious over Polster in view of Ball. These references, taken singularly or in combination, do not teach or suggest the combination of the temperature increasing cavity, as now recited in amended independent claim 56, incorporated into an in-shell egg pasteurizing process.

Addressing further the rejections of dependent claim 93, set forth on page 4, paragraph 8 of the Examiner's remarks, Applicant notes again that Plemons teaches applying a forced draft of cooled air over conveyed pizza crusts, this again being fairly unrelated to a cooler incorporated into an in-shell egg pasteurization assembly. Plemons further discloses reducing moisture content of pizza crusts, but does not teach or suggest any type of application into an egg pasteurization process and which, in Applicant's opinion, would support the obviousness rejection.

Addressing further the rejection of dependent claim 95, as obvious over Polster in view of Hwang, it is again submitted that Hwang does not teach nor does it suggest in any fashion the utilization of a microwave oven as a temperature increasing cavity, and incorporated within a

continuous conveyance system for an in-shell egg, or associated method, for the purpose of in-shell egg pasteurization.

Finally, and referencing page 5, paragraph 10 of the Examiner's remarks, dependent claim 96, reciting the oven as further including a microwave oven, was rejected as obvious over Polster in view of the Rajapakse reference. Rajapakse teaches a bone-in (chicken) conveyor oven incorporating a microwave oven. As stated by the Examiner, Rajapakse does not teach or suggest a microwave oven, and as further incorporated into a spiral oven design, as now recited in amended independent claim 56.

In view of the above, it is respectfully submitted that the claims as amended or added are allowable and favorable action is respectfully requested. Attorney for Applicant may be contacted at (248) 647-6000 with any questions the Examiner may have.

Respectfully submitted,

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